



**U S Army Corps
of Engineers**
Huntington District

Public Notice

In reply refer to Public Notice No.

200401642

Issuance Date:

May 10, 2005

Stream:

U/T Grant Run

Closing Date:

June 9, 2005

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application.

APPLICANT: Meijer, Incorporated
2929 Walker Avenue NW
Grand Rapids, Michigan 49544

LOCATION: The project area is within an unnamed tributary of Grant Run and within wetlands adjacent to this tributary at 2811 London-Groveport Road in Grove City, Franklin County, Ohio. Longitude 83 ° 04' 49" W, Latitude 39° 50' 15" N

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place fill material in waters of the United States to facilitate the construction of a commercial development consisting of a 207,760-square-foot Meijer Store, a convenience store/gas station, three retail/restaurant outlots, and associated parking areas and access roads.

To facilitate development of the site, 2,380 cubic yards of fill material would be placed into approximately 2,056 linear feet (lf) of an unnamed tributary of Grant Run and 0.06 acres of an adjacent wetland. Plans of the proposal are attached to this notice.

Mitigation: As mitigation for the proposed impacts to 2,056 lf of stream, the applicant proposes to reconstruct 1,660 lf of stream within the development. The relocation plan includes the excavation of a 50-ft wide floodplain area at the base water elevation. This design would allow the stream to evolve a natural channel and pattern within native vegetation. The design for the relocated channel was developed in cooperation with the Ohio Department of Natural Resources. This relocated stream area would be preserved in perpetuity through a conservation easement. The design for development of the site includes four crossings of the relocated channel. These crossings would be constructed using clearspan bridge systems to allow a continuation of the valley and floodplain width. Grade control structures would be installed at the clear span locations to prevent down cutting of these structures.

The applicant also proposes to enhance an additional 400 lf of stream off-site within the watershed. The applicant is currently evaluating various locations for the proposed off-site mitigation area. This off-site mitigation area would also be protected in perpetuity.

As mitigation for the proposed wetland impacts, the application has reserved 0.1 acres of wetland bank credit at the Wetlands Resource Center's Little Scioto Mitigation bank site.

Alternatives Analysis: A total of 0.06 acres of jurisdictional wetlands would be filled as a result of the proposal. Construction of the proposal does not require access to or siting within wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. All practicable alternatives not involving such discharges into special aquatic sites are presumed to have less adverse impacts to the aquatic system. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant has submitted the required alternative analysis, which is currently under review by this office.

WATER QUALITY CERTIFICATION: A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the Ohio Environmental Protection Agency.

HISTORIC & CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. A Phase I Cultural Resources Investigation has been performed by the applicant. This report is entitled "*Phase I Archaeological Survey of the Proposed 30 Acre Meijer Development in Jackson, Township, Franklin County, Ohio.*" Based on the results of this investigation, no additional cultural resources investigations were recommended. Upon review of this information, our office has determined the proposed project would have no effect on properties eligible for the National Register of Historic Places. A copy of this public notice and a copy of the Phase I Cultural Resources Investigation Report will be furnished to the State Historic Preservation Office for their review.

THREATENED & ENDANGERED SPECIES: This project is located within the known or historic range of Indiana bat (endangered), Scioto madtom (endangered), northern riffleshell mussel (endangered), clubshell mussel (endangered), Eastern massasauga (proposed candidate species), and rayed bean mussel (proposed candidate species).

To determine if the proposed project would have any affect on threatened or endangered species, the applicant has consulted the United States Fish and Wildlife Service (USFWS). Through letters dated March 10, 2005 and March 24, 2005, the USFWS provided recommendations regarding the removal of potential Indiana bat habitat. Provided these recommendations are implemented, this office has determined the proposed project will have no adverse affect on this species. Due to the nature and location of the project, this office has further determined there would be no affect on the Scioto madtom, northern riffleshell mussel, clubshell mussel, and rayed bean mussel. Based on the habitat surveys conducted, the proposed project area does not contain suitable habitat for the Eastern massasauga; therefore, the proposed project would have no affect on this species.

PUBLIC INTEREST: Any person who has an interest, which may be adversely affected by the issuance of a permit, may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the

people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. Persons wishing to submit comments, objections or requests for public hearings concerning the

Corps of Engineers permit should write:

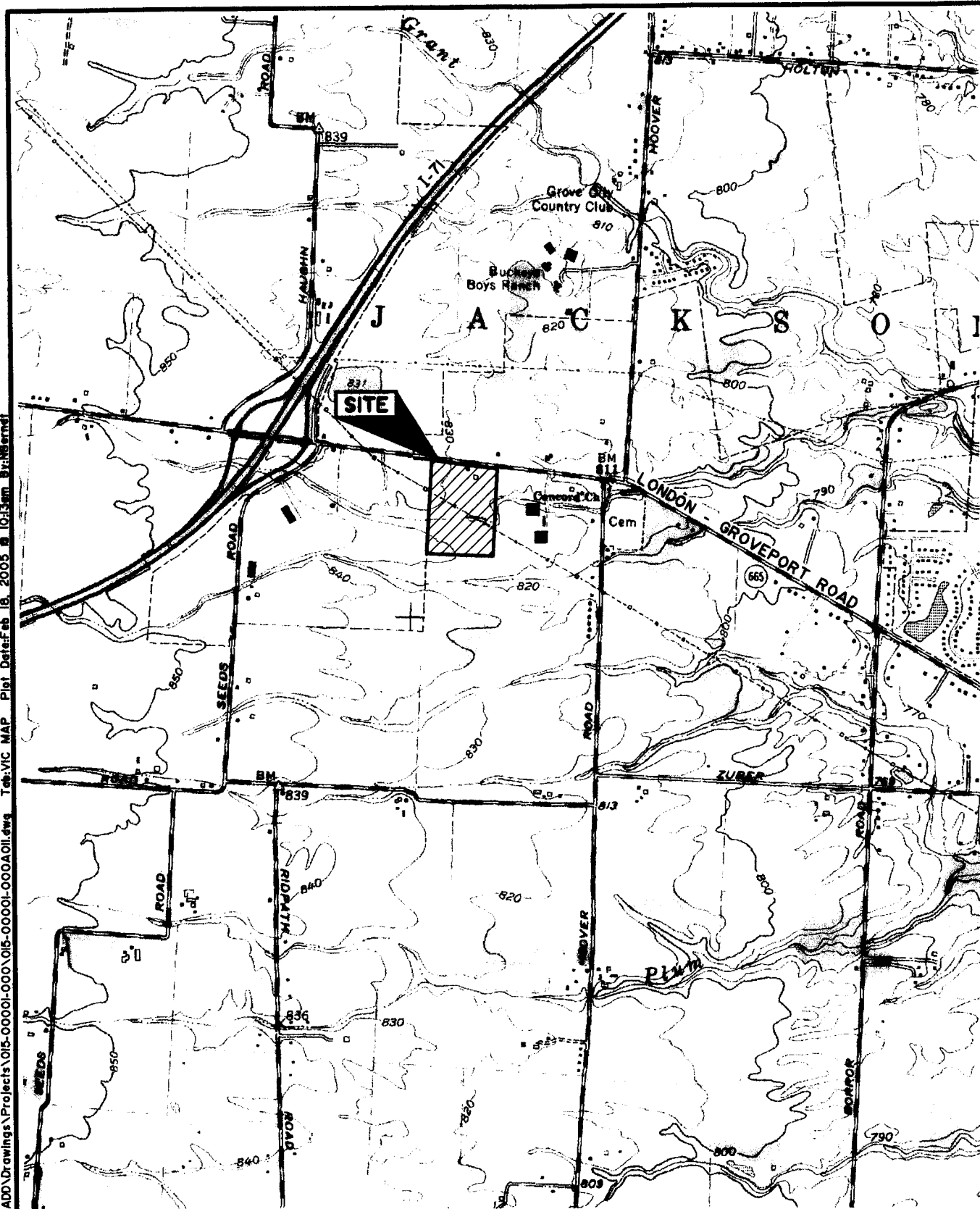
U.S. Army Corps of Engineers
ATTN: CELRH-OR-F Public Notice No. 200401642
502 8th Street
Huntington, West Virginia 25701-2070

Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at 304-399-5210.


Ginger Mullins
Chief, Regulatory Branch

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BBCM Filename: G:\DEPTS\CADD\Drawings\Projects\015-00001-000\015-00001-000A01.dwg Tab:VIC MAP Plot Date:Feb 18, 2005 10:13am By:Werned



VICINITY MAP

**PROPOSED MEIJER STORE
SECTION 404/401 INDIVIDUAL PERMIT
GROVE CITY, FRANKLIN CO., OHIO**

BBCM
Columbus
(614) 793-2226
Cleveland

Project: 015-00001-000

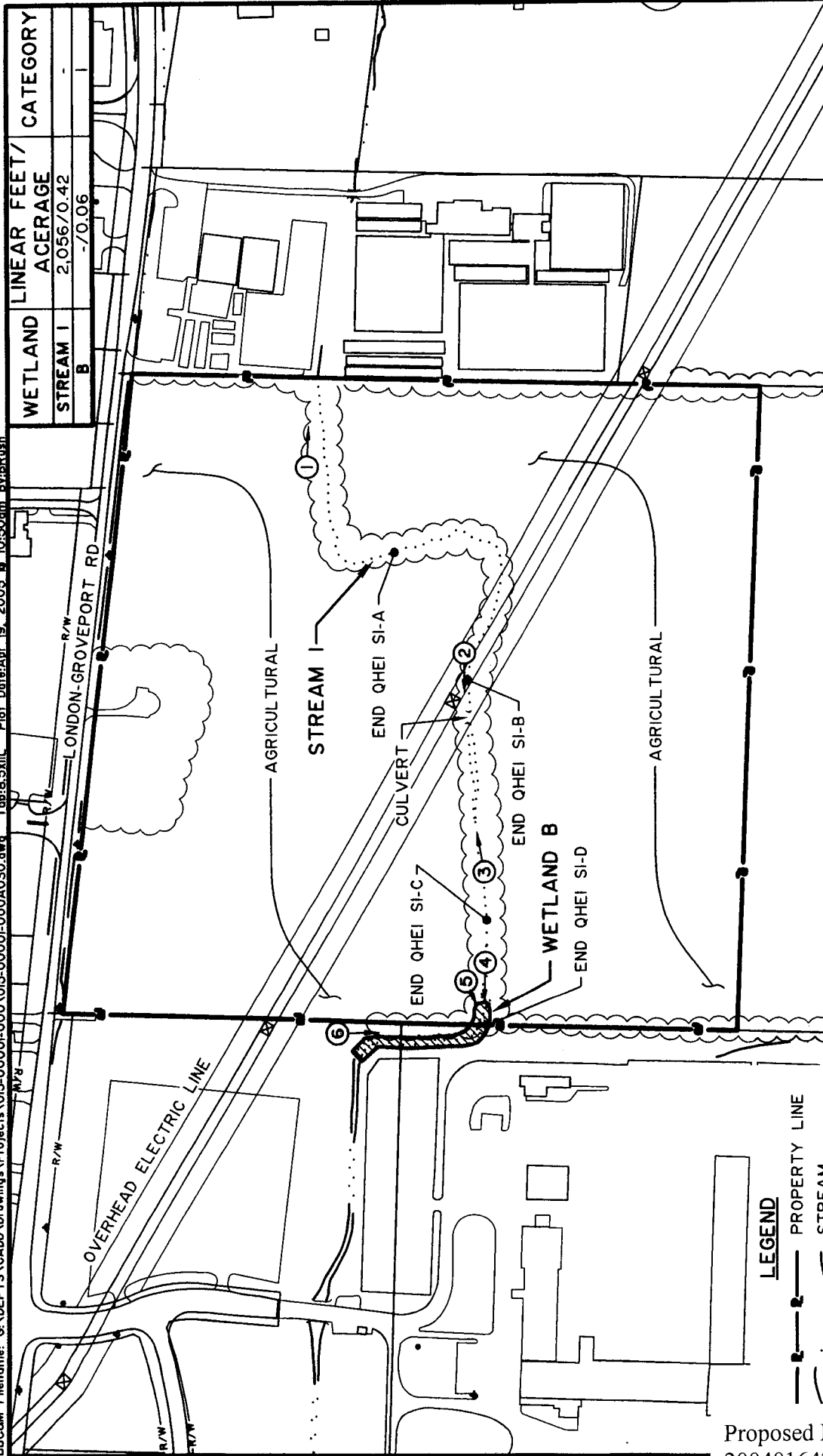
Drawing Date: 2/2/05

Revision Date:

USGS Quad Name: COMMERCIAL POINT

Proposed Meijer Development
200401642 - U/T Grant Run
Franklin County, Ohio
Location Map, Sheet 1 of 3

BBCAM Filename: G:\DEPT5\CADD\Drawings\Projects\015-00001-000\015-00001-000A030.dwg Tab: 5.5x11 Plot Date: Apr. 19, 2005 10:50am By: BRush



WETLAND	LINEAR FEET/ ACERAGE	CATEGORY
STREAM I	2,056/0.42	-
B	-/0.06	-

LEGEND

— PROPERTY LINE

— STREAM

— TREE LINE

① PHOTOGRAPH LOCATION,
ID AND ORIENTATION

..... JURISDICTIONAL STREAM
TO BE IMPACTED

▨ JURISDICTIONAL WETLAND
TO BE IMPACTED

SITE PLAN

**PROPOSED MEIJER GVC STORE
SECTION 404/401 INDIVIDUAL PERMIT
GROVE CITY, FRANKLIN CO., OHIO**

Project: 015-00001-000 Drawn By: BLR

Drawing Date: 4/19/05 Approved By: MAR

Revision Date: Scale: 1" = 300'

BBCAM

Columbus
(614) 793-2226

Cleveland
(440) 585-9995

Cincinnati
(513) 771-8471

Dayton
(937) 424-1011

